

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

In the matter of:)	Order No. R8-2008-0029
)	for
Ross Pallet, Inc.)	Administrative Civil Liability
913 East Walnut Street)	
Santa Ana, CA 92705)	
)	
Attention: Ms. Yesenia Yanez)	

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), held a hearing on February 29, 2008 to receive testimony and take evidence on the allegations contained in Complaint No. R8-2008-0022, dated January 29, 2008, and on the recommendation for the imposition of administrative civil liability pursuant to Water Code Sections 13385(c) and 13399.33(c) in the amount of \$10,000. The Board finds as follows:

1. On April 17, 1997, the State Water Resources Control Board (SWRCB) adopted Waste Discharge Requirements, Order No. 97-03-DWQ (NPDES No. CAS000001), General Permit for Storm Water Discharges Associated with Industrial Activities (General Permit). Ross Pallet, Inc. (Ross Pallet), is authorized to discharge storm water under the Permit, WDID 830I017644. The General Permit requires Ross Pallet to submit an annual report by July 1 of each year. Ross Pallet did not submit the annual report by July 2, 2007 (July 1, 2007 was a Sunday). Subsequently, Board staff sent two certified Notices of Noncompliance (NNCs) to Ross Pallet, the first one on August 1, 2007 and the second one on August 31, 2007. These NNCs reminded Ross Pallet that the annual report had not been received and that there is a mandatory penalty for non-submittal of the annual report. The second NNC required Ross Pallet to submit the annual report by September 28, 2007. Prior to September 28, 2007, Ross Pallet was also reminded by phone to submit the annual report. An incomplete annual report was received by this office on October 30, 2007.
2. Ross Pallet failed to submit the annual report to the Regional Board office within 60 days from the date of the original NNC.
3. Water Code Section 13399.33(c) requires the Board to assess a mandatory penalty of one thousand dollars (\$1,000) for non-submittal of the annual report under these circumstances.
4. Water Code Section 13385(a)(2) provides that any person who violates waste discharge requirements issued pursuant to Federal Clean Water Act shall be civilly liable. Section 13385(c) provides that civil liability may be administratively imposed by

a regional board in an amount no to exceed \$10,000 per day of violation. The total maximum liability is \$1,200,000 (120 days from July 2, 2007 to October 30, 2007).

5. Water Code Section 13385(e) specifies factors that the Board shall consider in establishing the amount of civil liability, including prior history of violations. Ross Pallet has a history of violations including an administrative civil liability complaint (\$5,000) issued for the non-submittal of the 2005-06 annual report; a mandatory minimum penalty complaint (\$1,000) issued for non-submittal of the 2002-03 annual report. In addition, Ross Pallet received a number of NNCs for late submittal of annual reports and a Notice of Violation for late payment of annual fee for 2003-04. These and other factors were considered by the Assistant Executive Officer in establishing the amount of civil liability.
6. On January 29, 2008, the Assistant Executive Officer issued Administrative Civil Liability Complaint No. R8-2008-0022 to Ross Pallet proposing that the Board impose a penalty of \$10,000 on Ross Pallet for the violations cited above.
7. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that, pursuant to California Water Code Sections 13385(c) and 13399.33(c), an administrative civil liability shall be imposed on Ross Pallet, Inc., in the amount of \$10,000, as proposed in Complaint No. R8-2008-0022 for the violations cited, payable as set forth below.

1. Ross Pallet shall pay \$10,000 to the State Water Resources Control Board by March 31, 2008.

The Executive Officer is authorized to refer this matter to the Attorney General for enforcement.

Pursuant to Water Code Section 13320, you may petition the State Water Resources Control Board for review of this Order. If you choose to do so, you must submit the petition to the State Board within 30 days of the Regional Board's adoption of this Order.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on February 29, 2008.



Gerard J. Thibeault
Executive Officer